GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - PR & RD Department - Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram -Disciplinary action initiated - Orders of Hon'ble High Court in WP No.26609 of 2009 dt.27.4.2023 -Implemented - Revised and conversion of the major penalty of 'dismissal from service' to that of 'compulsory retirement' - Orders - Issued.

PANCHAYAT RAJ&RURAL DEVELOPMENT (VIGILANCE-IV)DEPARTMENT

GO. Rt. No.631. **Dt.17.10.2023**

Read the following:-

1. Proceedings dt.30.05.2000, of RDO, Narsapuram, West Godavari District.
2. Commissioner of PR&RE, Charge Memo No. 7169/11/2000, dt.17.07.2000.
3. WSD submitted by Sri NC Kotaiah, MPDO, dt.23.08.2000.
4. Commissioner PR&RE procdgs. No7169/Ds-I/2000, Dated:29.09.2000.
5. G.O.Ms.No.377, PR&RD (E.VII) Department, dt.18.12.2001.
6. Orders of the APAT in O.A.No.10204 of 2002, dated:18.03.2009.
7. Orders of the Hon'ble High Court in WP No.26609 of 2009,dated:27.04.2023.
8. Representation of Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram, West Godavari District (u/dismiss) dt.19.06.2023.

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ORDER:

In the reference 1st read above, Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram was placed under suspension for the financial irregularities committed by him, neglecting his duties and causing the loss to the State Exchequer, by assigning temporary permission to Madhavaiahpalem Ferry. In the reference 2nd read above, disciplinary action was initiated against him by framing four (4) Article of Charges. The Charged offer has submitted his explanation to the charge memo vide reference 3rd read above. In the reference 4th read above, the Deputy Commissioner (I&I) was appointed as Enquiry Offer to conduct departmental enquiry and the Enquiry Officer has conducted the inquiry and submitted his Enquiry report duly held that out of four (4) charges three charges are proved and one charge as not proved against the Charged Officer. In the reference 5th read above, Government after careful examination of the matter and after following the due procedure laid down as per (CCA) Rules, have issued orders and imposing the penalty of dismissal from service against Sri N.C.Kotaiah, former Mandal Parishad Development Officer.

2. Aggrieved by the above orders of Government, Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram has filed an O.A.No.10204 of 2002 before the AP Administrative Tribunal and the Tribunal vide its order dated:18.03.2009, ordered that 'the punishment of dismissal from the service is grossly disproportionate to the gravity of misconduct committed by him and ordered for conversion of the same into compulsory retirement'.

3. Aggrieved by the above orders of APAT in O.A.No.10204 of 2002, dated:18.03.2009, the Government have filed an Appeal in the High Court of AP in Writ Petition No.26609 of 2009. Vide reference 7th read above, the Hon'ble High Court while dismissing the Writ Petition confirmed the order of the Tribunal. However, made it clear that the conversion/modification of the punishment imposed by the disciplinary authority to that of lesser punishment directly without remanding the matter to the disciplinary authority can be ordered by the Court/Tribunal only in such exceptional cases where the employee is aged and retired long back.

4. In the reference 8th read above, Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram (dismissed from service) while enclosing a copy of the Judgement of Hon'ble High Court in WP. No. 26609 of 2009 dated:27.4.2023 has requested the Government to revise the punishment of Dismissal from service awarded on him vide G.O.Ms.No.377, PR&RD (E.VII) Department, dt.18.12.2001, to that of compulsory retirement.

(Contd.2)

5. Government after careful examination of the matter and in considering the Judgement passed by the Hon'ble High Court in WP. No. 26609 of 2009 dated:27.4.2023, conforming the orders of the A.P. Administrative Tribunal in O.A.No.10204 of 2002, dated:18.03.2009 have decided to revise and convert the major penalty of 'dismissal from service' issued in GO.Rt. No.377 PR&RD(E.VII) dt.18.12.2001 to that of 'compulsory retirement' as an exceptional case and accordingly, hereby order for **'compulsory retirement'** in respect of Sri N.C.Kotaiah, former Mandal Parishad Development Officer, Narasapuram, who was dismissed from service.

6. The Commissioner Panchayat Raj & Rural Development shall take further action in the matter accordingly and furnish the action taken report to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri N.C. Kotaiah, formerly Mandal Parishad Development Officer
(dismissed from service), D.No.8-42, Dwarakanagar,
cBhimadole Junction, Bhimadole-534425, Eluru District **through**
the Commnr.(PR&RD), Tadepalli, Guntur Dist.
The Commissioner, Panchayat Raj & Rural Development, Tadepalli, Guntur District.
Copy to:
The Government Pleader for Services(PR&RD Department), High Court of A.P.
The Accountant General, Andhra Pradesh, Vijayawada.
The Director of Treasuries and Accountants, A.P., Mangalagiri, Guntur Dist.
The District Treasury Offer, West Godavari District.
The Chief Executive Offer, Zilla Parishad, West Godavari District.
Sf/Sf.

//FORWARDED :: BY ORDER //

SECTION OFFICER